

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

JERMAINE IRBY,
Plaintiff,

v.

**SECRETARY CHRISTINE
WORMUTH, SECRETARY OF
THE DEPARTMENT OF THE
ARMY,**

Defendant.

6:21-CV-01143-ADA-DTG

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Before the Court is the Report and Recommendation of United States Magistrate Judge Derek T. Gilliland. ECF No. 53. The Report recommends that Defendant's Motion for Judgment on the Pleadings and Motion to Stay Discovery (ECF No. 12) be denied as moot and Plaintiff's Motion for Summary Judgment on Deemed Admissions (ECF No. 18) be denied. The Report and Recommendation was filed on May 12, 2023.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on May 23rd, 2023. ECF No. 55. Defendant filed a response on June 6, 2023. ECF No. 59. The Court has conducted a *de novo* review of the motion to dismiss,

the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

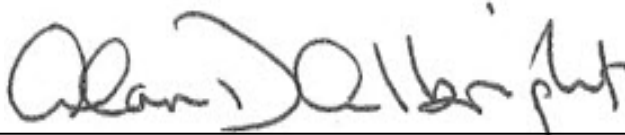
IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Gilliland, ECF No. 53, is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's objections are **OVERRULED**.

IT IS FURTHER ORDERED that Defendant's Motion for Judgment on the Pleadings and Motion to Stay Discovery (ECF No. 12) is **DENIED AS MOOT**.

IT IS FURTHER ORDERED Plaintiff's Motion for Summary Judgment on Deemed Admissions (ECF No. 18) is **DENIED**.

SIGNED this 22nd day of September, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE